

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OSCAR STILLEY

PLAINTIFF

v.

CASE NO. 3:19cv6-HTW-LRA

WARDEN RIVERS, ET AL.

DEFENDANTS

DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR TIME

Defendants Warden Christopher Rivers, Director J. F. Caraway, Director J. A. Keller, Federal Bureau of Prisons, the United States of America, U.S. Attorney General William Barr, former complex warden David Paul, and Director Kathleen Hawk Sawyer (hereinafter "Defendants") submit this response to Plaintiff's Motion to Extend Time to Object to Report and Recommendation. *See* Dkt. No. 38. For the reasons stated below, Plaintiff's motion should be denied in part.

I. BACKGROUND

On August 21, 2020, the magistrate court recommended dismissing Plaintiff's complaint in its entirety because he failed to exhaust any of his claims administratively. *See* Dkt. No. 37. Plaintiff has fourteen days to file his objections, if any, to the magistrate judge's report and recommendations. *See id.* at 20-21.

Plaintiff seeks more time to file his objections. *See* Dkt. No. 38. Specifically, he asks for an additional 60 days. *See id.* at 2. In support of his motion, Plaintiff states that he will enter home confinement tomorrow, September 2, 2020, and he will need “some time” to prepare his objections after he is settled in home confinement. *See id.*

II. DISCUSSION

Defendants do not object to Plaintiff receiving appropriate time to prepare his objections, but they object to him receiving an additional 60 days given that he will enter home confinement tomorrow. Based on the facts in Plaintiff’s motion, Defendants suggest a more appropriate deadline, such as September 21, 2020. That will provide Plaintiff more than 14 days after he enters home confinement to file his objections, which should provide sufficient time to prepare a response to the specific facts and legal conclusions in the magistrate court’s report and recommendation.

III. CONCLUSION

Plaintiff’s motion for time should be denied in part. Defendants ask that Plaintiff be required to file his objections on or before September 21, 2020.

Respectfully submitted,

D. MICHAEL HURST, JR.
*United States Attorney for the
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/s/ *Jennifer Case*

JENNIFER CASE
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Dated: September 1, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of the Court using the Electronic Case Filing system (ECF). I certify that a true copy of the foregoing has been mailed via United States Mail, postage prepaid, to the pro se plaintiff as follows:

Pro Se Plaintiff

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Dated: September 1, 2020

/s/ *Jennifer Case*

JENNIFER CASE

Assistant United States Attorney